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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 AMERICAN GENERAL LIFE
12 INSURANCE COMPANY,

Plaintiff(s),

13 vs.

14 CHET D. ADKINS,

15 Defendant(s).
16

CASE NO. 15cv74-LAB (BLM)

**ORDER GRANTING JOINT MOTION
FOR EXTENSION OF TIME TO
ANSWER; AND**

**ORDER TO SHOW CAUSE RE:
JURISDICTION**

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18 For good cause shown, the joint motion for extension of time to answer (Docket no.
19 5) is **GRANTED** and the answer is accepted as filed.

20 The Court is under an independent obligation to confirm its own jurisdiction, *sua*
21 *sponte* if necessary. *See United Investors Life Ins. Co. v. Waddell & Reed Inc.*, 360 F.3d 960,
22 966 (9th Cir. 2004). The presumption is that federal courts lack jurisdiction, until it is shown
23 that they do. *DaimlerChrysler Corp. v. Cuno*, 547 U.S. 332, 342 n.3 (2006). The party
24 invoking the Court's jurisdiction bears the burden of establishing it. *See Steel Co. v. Citizens*
25 *for a Better Environment*, 523 U.S. 83, 103–04 (1998).

26 The complaint invokes the Court's jurisdiction on the basis of diversity. Although the
27 amount in controversy is adequately pled, the parties' citizenship is unclear. Defendant Chet
28 Adkins is alleged to be a resident of and domiciled in California, while Plaintiff American

1 General Life Insurance Company is alleged to be "organized under the laws of Texas" and
2 to have its principal place of business in Texas. (Compl., ¶ 6.)

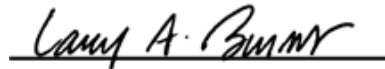
3 The problem is that American General is not alleged to be a corporation, and its name
4 does not identify itself as such. While corporation is a citizen of the state where it is
5 incorporated as well as the state where it has its principal place of business, a non-corporate
6 entity such as an LLC, an LP, a partnership, or an unincorporated association, has the same
7 citizenship as its owners or members. *See Johnson v. Columbia Properties Anchorage, LP*,
8 437 F.3d 894, 899 (9th Cir. 2006).

9 American General has filed a notice of party with financial interest showing it is part
10 of a chain of subsidiaries. While that notice identifies American General as a corporation, it
11 is not clear whether it means what it literally says. American General's name does not
12 include the word "Corporation" or "Inc." or any other term that would clearly identify it as a
13 corporation as opposed to some other kind of entity. The structure and citizenship of
14 American General's owner, AGC Life Insurance Company, is also not clearly shown. Nor is
15 the citizenship of AGC's owner, AIG Life Holdings, Inc.

16 American General is therefore **ORDERED TO SHOW CAUSE** why this action should
17 not be dismissed for lack of jurisdiction. It may do so by filing a memorandum of points and
18 authorities, not to exceed five pages (not counting any lodged or appended material), by
19 **March 23, 2015**. If American General files a memorandum, Adkins may file a reply within
20 seven calendar days. If American General does not show cause within the time permitted,
21 this action will be dismissed without prejudice.

22 **IT IS SO ORDERED.**

23 DATED: March 12, 2015

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25 **HONORABLE LARRY ALAN BURNS**
26 United States District Judge
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